UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/488,509	01/20/2000	Frank Leymann	12992(GE998-062)	4530

7590   02/18/2004

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EXAMINER
MEINECKE DIAZ, SUSANNA M

ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 02/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _12 January 2004_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final..

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disp sition of Claims

4)☒ Claim(s) _18-32_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _18-21 and 30-32_ is/are rejected.

7)☒ Claim(s) _22-29_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.
37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific
reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 10, 2003 has been entered.

Claims 18 and 30-32 have been amended.

Claims 18-32 are pending.

2.   The previously pending rejection under 35 U.S.C. § 112, 2nd paragraph is withdrawn in response to Applicant's claim amendments.

Response to Arguments

3.   Applicant's arguments with respect to claims 18-32 have been considered but are moot in view of the new ground(s) of rejection. Please note that Applicant's arguments center around the assertion that the prior art fails to teach or render obvious the claimed relationship between the systems management system (SMS) and workflow management system (WFMS). The details of this relationship are only recited in claims 22-29, which are now indicated as allowable below.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 18-21 and 30-32 are rejected under 35 U.S.C. 102(e) as being

anticipated by Fuss et al. (U.S. Patent No. 6,401,119).

Fuss discloses a method for providing an improved consistency between a

systems management system (SMS) and a respective distributed application used by a

plurality of people, said distributed application operating in a distributed environment in

a networked computer system in order to perform a plurality of business processes,

each comprising a plurality of activities, the distributed application being monitored, and

each error event of hardware or software of the distributed application being monitored,

and each error event of hardware or software of the distributed application being

handled by an event server of said SMS, said method comprising the steps of:

[Claim 18]   for each error event, determining impacted business processes and

activities within those impacted business processes which are impacted by said error

event, including both (1) information on the impact of the error event on organization

personnel monitored resources, including staff and people, of said distributed

application and (2) information on the impact of the error event on information

technology monitored resources, including hardware and software, of said SMS (col. 6,

lines 20-35, 50-54, 60-65; col. 7, lines 1-24, 46-50; col. 8, lines 7-43; col. 8, line 66

through col. 11, line 8 -- Fuss' "network management system" is equivalent to the

recited "systems management system");

displaying error information relating to hardware and/or software resources

involved in said impacted business processes together with organizational information

relating to organizational resources of said business processes, said organizational

information being in turn available to a process monitor of said distributed application

and including staff information (col. 7, lines 1-4), and

presenting said error information in conjunction with the impacted business

processes impacted by said error event for achieving a business processes oriented

solution to problems caused by said error event (col. 6, lines 20-35, 50-54, 60-65; col. 7,

lines 1-24, 46-50; col. 8, lines 7-43; col. 8, line 66 through col. 11, line 8);

[Claim 19]   further comprising one or more of the steps of:

issuing an alert concerning the impacted business processes (col. 6, lines 20-35,

50-54, 60-65; col. 7, lines 1-24, 46-50; col. 8, lines 7-43; col. 8, line 66 through col. 11,

line 8);

taking corrective actions against the effects of said error event on the impacted

business processes, to allow said impacted business processes to continue (col. 6,

lines 20-35, 50-54, 60-65; col. 7, lines 1-24, 46-50; col. 8, lines 7-43; col. 8, line 66

through col. 11, line 8);

[Claim 20]   reassigning work to different people to allow said impacted business

processes to continue (col. 6, lines 20-35, 50-54, 60-65; col. 7, lines 1-24, 46-50; col. 8,

lines 7-43; col. 8, line 66 through col. 11, line 8);

[Claim 21]   providing said distributed application in a workflow management system

(WFMS) (col. 6, lines 20-35, 50-54, 60-65; col. 7, lines 1-24, 46-50; col. 8, lines 7-43;

col. 8, line 66 through col. 11, line 8 -- Fuss' "network management system" is

equivalent to the recited "systems management system" and monitors activities at

distributed workstations throughout the system).

[Claims 30-32]   Claims 30-32 recite limitations already addressed by the rejection

of claims 18-21 above; therefore, the same rejection applies.

Allowable Subject Matter

6.   Claims 22-29 are objected to as being dependent upon a rejected base claim,

but would be allowable if rewritten in independent form including all of the limitations of

the base claim and any intervening claims.

7.   The following is a statement of reasons for the indication of allowable subject

matter:

Fuss et al. (U.S. Patent No. 6,401,119) is the closest prior art of record. Fuss

discloses a network management system (i.e., a systems management system (SMS))

that monitors system workflow (i.e., the network management system functions as a

workflow management system (WFMS)), detects disturbances in a system, and

determines how each disturbance affects other hardware, software, and personnel

operations throughout the system (col. 6, lines 20-35, 50-54, 60-65; col. 7, lines 1-24,

46-50; col. 8, lines 7-43; col. 8, line 66 through col. 11, line 8). However, Fuss does not

teach or suggest that the SMS and WFMS are two separate systems that communicate

with one another, thereby requiring performance of the following steps as part of these

communications:

> providing a communication bridge between said SMS and said WFMS;

> involving said event server of said SMS into the communication bridge by

involving a process monitor of said WFMS into event handling; and

> providing said process monitor with a set of predetermined rules in order to

manage the impact of the error event on said impacted business processes.

The prior art of record fails to teach or suggest the combination of error event

detection for "determining impacted business processes and activities within those

business processes which are impacted by said error event, including both (1)

information on the impact of the error event on organization personnel monitored

resources, including staff and people, of said distributed application and (2) information

on the impact of the error event on information technology monitored resources,

including hardware and software, of said SMS," wherein the distributed application is

provided in a workflow management system (WFMS) such that the SMS and WFMS are

two separate systems that communicate with one another, thereby requiring

performance of the following steps as part of these communications: providing a

communication bridge between said SMS and said WFMS, involving said event server

of said SMS into the communication bridge by involving a process monitor of said

WFMS into event handling, and providing said process monitor with a set of

predetermined rules in order to manage the impact of the error event on said impacted

business processes. This combination of features is recited in claims 22 and 26 and

dependent claims 23-25 and 27-29; therefore, claims 22-29 are deemed to be allowable

over the prior art of record.

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to

Applicant's disclosure.

Srinivasan (U.S. Patent No. 5,548,506) -- Discloses a project management

server for managing multiple workgroups.

Lewis (U.S. Patent No. 6,000,045) -- Discloses a system for inter-domain alarm

correlation.

Randell (U.S. Patent No. 5,826,020) -- Discloses a workflow system that

performs real-time intervention when errors are detected.

Zager et al. (U.S. Patent No. 6,393,386) -- Discloses the use of dynamic network

modeling to predict the impact of faults.

Flores et al. (U.S. Patent No. 6,058,413) -- Discloses the monitoring of workflows

of various business processes.

Flores et al. (U.S. Patent No. 6,073,109) -- Discloses the monitoring of workflows of various business processes.

Akifuji et al. (EP 0982675) -- Discloses the use of a status watcher to monitor workflow and the effect of exception conditions on other interdependent business processes.

Akifuji et al. (JP 2000-67130) -- Discloses the use of a status watcher to monitor workflow and the effect of exception conditions on other interdependent business processes.

"Subprocess Synchronization in Workflow Management Systems" -- Discloses the monitoring of events in a workflow management system.

"Predicting the Future Processing of Business Processes" -- Discloses the monitoring of events in a workflow management system.

9.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (703) 305-1337. The examiner can normally be reached on Monday-Friday, 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703)308-1113.

Any response to this action should be mailed to:

**Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450**

or faxed to:

(703)305-7687   [Official communications; including
                           After Final communications labeled
                           "Box AF"]

(703)746-7048   [Informal/Draft communications, labeled
                           "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal
Drive, Arlington, VA, 22202, 7th floor receptionist.
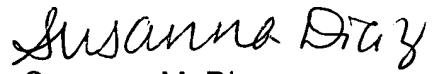
Susanna M. Diaz
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Art Unit 3623
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